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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,185

10/14/2003

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212/464

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01/14/2008

EXAMINER

DEMILLE, DANTON D

ART UNIT

PAPER NUMBER

3771

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,185	Applicant(s) ESCUDERO ET AL.	
	Examiner Danton DeMille	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 and 23-28 is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-9, 13-15, 21, 22, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 5 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 2-4, 6, 7, 9, 14, 15, 21, 22, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al. (US Pat. No. 6,066,106) in view of Cantrell et al.

Sherman teaches, for example, a compression belt cartridge 3 comprising a belt, figure 11, with pull straps 34. The pull straps are joined to the remaining belt portions 32L, 32L by what appears to be triangular transition sections, unnumbered. These triangular transition sections would be load distribution sections attached to the pull straps. The pull straps are recited as being a cable 34 threaded through the drive spool, column 8, lines 46-52. There appears to be no unobviousness to the specific detail of the structure of the cable 34. A cord or strap would have been an obvious equivalent alternative detail as long as it provides a reduced width to decrease friction and reduce the size of the drive spool as taught by Sherman column 8, lines 46-52. The only difference between the claims and Sherman is whether or not the cable comprehends the claimed straps.

Cantrell teaches in figure 5 a belt to be disposed around the patient that includes a reduced strap section 72 for attachment to the drive mechanism. A trapezoidal transition section is also taught by Cantrell that would appear to be first and second load distribution sections between the pull straps and the main portion of the belt. It would have been obvious to one of ordinary skill in the art to modify Sherman to use a strap instead of a cable as taught by Cantrell as an obvious equivalent detail to the structure of the cable.

Regarding claim 6, Sherman teaches a cover plate 11R.

Regarding claims 22, 30, since the belt cartridge 26 can be removably attached from the platform, inherently a like second belt cartridge can be attached to replace the first belt cartridge should the first one become damaged. Such would have been an obvious provision.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above, and further in view of Meister.

Meister teaches compression pads 3 attached to the belt to help protect the patient. It would have been obvious to one of ordinary skill in the art to further modify Sherman to include compression pads as taught by Meister any where along the belt to help protect and cushion the patient.

Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above, and further in view of Kuroshaki et al.

Kuroshaki teaches the outer most layer 52 is formed of nylon pile including fibers finely corrugated in the longitudinal direction, column 9, lines 35-38. It would have been obvious to one of ordinary skill in the art to further modify Sherman to use nylon with unidirectional fibers as taught by Kuroshaki to restrict the elasticity in the longitudinal direction.

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the wide middle section of the Cantrell belt is designed to engage the dorsal area of the patient and narrow straps 72 only engage buckles which engage compression device 40, not the strap winding shaft 150. It is immaterial what portions of the patient's body engages the belt during use. It is also immaterial that the belt of Cantrell also includes pockets and stiffeners. It is also immaterial that the belt of Cantrell includes a return spring 90. What is material is how the belt tightening mechanism engages the belt to pull and tighten the belt. Sherman teaches a narrow cable section of the belt that engages the drive mechanism for decreased friction and reduces the size of the attachment. Cantrell also teaches a narrow section 72 of the belt that engages the drive mechanism for decrease friction and reduces

the size of the attachment. The only difference between the claims and Sherman is the size of the pull straps. Sherman teaches pull cables. Cantrell teaches pull straps. Such is well within the realm of the artisan of ordinary skill.

Regarding claim 8, the examiner is not ignoring the limitation that the pad is attached to the first load distribution section. Meister teaches the convention of providing pads around the interior of the belt between the belt and the patient. The location of the pads can be placed around the belt as desired. Since the pads cannot be placed on the cable or strap portion of the belt, they would have to be placed on the wider portions of the belt which are on the front of the patient.

Regarding claims 13, 14, the belt of Kuroshaki teaches a belt that is allowed to stretch in one direction but is inflexible in the longitudinal direction. An elastic belt would provide more comfort to the patient as the belt is being tightened around the patient while remaining inelastic in the longitudinal direction. There is no unobviousness to the exact details of the make up of the belt. The belt can be made of any conventional material as long as it provides the belt tightening function.

This is a first action following a Request for Continued Examination. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10 January 2008

/Danton DeMille/
Danton DeMille
Primary Examiner
Art Unit 3771